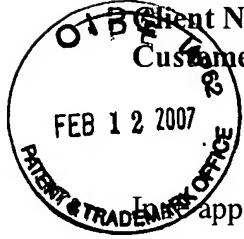


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PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor application of: : SUDHINDRA P. HERLE, ET AL.

Serial No. : 10/035,800

Filed : December 28, 2001

For : SYSTEM AND METHOD FOR ENSURING INTEGRITY
OF DATA-DRIVEN USER INTERFACE OF A WIRELESS
MOBILE STATION

Group No. : 2174

Examiner : Ryan F. Pitaro

MAIL STOP AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Appellants request review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal.

STATUS OF THE CLAIMS

Claims 1, 2, 5-9, 12-15 and 17-22 are pending in the present application.

Claims 1, 2, 5-9, 12-15 and 17-22 have been rejected.

REMARKS

In Sections 5 and 6 of the October 17, 2006, Office Action, the Examiner finally rejects Claims 1, 2, 5-9, 12-15 and 17-22 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,509,913 to *Martin, Jr., et al.*, (hereinafter, "Martin") in view of U.S. Patent No. 6,324,693 to *Brodersen, et al.*, (hereinafter, "Brodersen"), in view of U.S. Patent No. 6,544,295 to *Bodnar*, (hereinafter, "Bodnar"). This rejection is legally and factually deficient. The rejection is legally deficient because the cited references fail teach or suggest all the limitations of the claimed invention as asserted by the Examiner, as required to establish a *prima facie* case of obviousness. The rejections are factually deficient, because the Examiner mischaracterizes the teaching of the references, the language of the claims, and the arguments of the Appellants in the Reply Under 37 C.F.R. § 1.116, filed December 13, 2006.

Claim 1 recites a wireless communication device that includes first and second graphical user interface (GUI) configuration files that each includes a plurality of text names, a corresponding plurality of data, and a checksum calculated from only the plurality of text names. A controller in the device validates the second GUI file by comparing its text name checksum to the first GUI file's text name checksum. When read in the context of the Specification, it is clear that text names describe, or identify, corresponding GUI parameter data. *E.g., see Specification, page 28, lines 12-15.* The Martin reference fails to show a plurality of text names with a corresponding plurality of data in a GUI configuration file, as asserted by the Examiner. The Bodnar reference fails to show a checksum calculated from only a plurality of text names, as also asserted by the Examiner.

First, the Martin reference uses reference characters C1-C8 to refer to components in a screen configuration file. Several facts about the drafting of the reference indicate that the appellations C1-C8 are reference characters, rather than data in the screen configuration file. First, the draftsman of the Martin reference consistently used bold type to set reference characters apart from the remainder of the text of the specification. Second, the draftsman always followed a reference to an element with the element's reference character. As such, it is clear from the text of the Martin reference that the identifiers C1-C8 are reference characters, and not text names in the screen configuration file, as mischaracterized by the Examiner.

In the Advisory Action, mailed January 16, 2007, the Examiner argues that "C1-C8 are merely generic names given to components," then argues that "[e]ach of these reference characters represent text names since without a name the component cannot be identified." *Continuation Sheet, first paragraph. Emphasis added.* The Appellant respectfully submits that the Examiner is factually incorrect in asserting that without a name a component cannot be identified. Items stored in an array are typically identified by a numeric identifier. Items in a list are typically identified by an ordinal identifier: first, second, third, etc. Indeed, this is how Martin identifies the components in a screen configuration file: "first component C1," "third component C3," and "fourth component C4." *Martin, col. 6, lines 55-67.*

The Examiner further argues in the Advisory Action that "Martin even goes so far as giving a user the option to use alias names as pointed out in column 8 lines 33-65." *Continuation Sheet, first paragraph.* The Appellant submits that the Examiner herein mischaracterizes the teaching of Martin. The cited passage states "[a] configuration file can include screen configuration information that is used

to update an alias table” which is stored in local memory of a remote wireless computing device. *Martin, col. 8, lines 33-41*. That is, Martin does not describe using alias names in a GUI configuration file, but rather in a memory structure updated from a GUI configuration file.

Second, the Examiner acknowledges that Martin and Broderson do not describe calculating a checksum from only a plurality of text names, but asserts that Bodnar describes such a calculation. The Examiner mischaracterizes the teaching of the Bodnar reference. Bodnar describes a method of calculating a checksum that jumps from tag to tag in an HTML file, summing only the content text and not the tag text. *Bodnar, col. 25, lines 50-56*. Thus, Bodnar describes calculating a checksum from only content text data, not from only the tag text identifiers. In fact, Bodnar describes the benefit of not checksumming the tags, thereby actually teaching away from calculating a checksum from only a plurality of text names.

Furthermore, in the Advisory Action the Examiner mischaracterizes the language of the claims and the Appellants’ argument in the Reply Under 37 C.F.R. § 1.116, filed December 13, 2006. The Examiner states “Applicant also argues that Bodnar fails to teach calculating a check sum from a plurality of text.” *Continuation Sheet, second paragraph*. The Appellant does not so argue, because the claims recite a checksum calculated from only a plurality of text names, which text names have a corresponding plurality of data. As a result, the Examiner’s subsequent argument that Bodnar teaches constructing a checksum from text does not address the language of the claims.

In summary, the Examiner mischaracterizes the teaching of Martin, is factually incorrect regarding identifying components without using text names, mischaracterizes the teaching of Bodnar,

ignores Bodnar's teaching away from the claim limitations, mischaracterizes the Appellants' arguments, and argues teaching of a cited reference that does not address claim limitations.

For at least these reasons, the rejection of Claim 1 (and its dependent claims) is legally and factually deficient and should be withdrawn. Independent Claims 8 and 15 (and their dependent claims) include analogous limitations to limitations in Claim 1 and therefore rejection of those claims also is legally and factually deficient and should be withdrawn.

CONCLUSION

As a result of the foregoing, the Applicant asserts that the claims in the Application are in condition for allowance over all art of record, and respectfully request this case be returned to Examiner Romano for allowance or, alternatively, further examination.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.


Respectfully submitted,

MUNCK BUTRUS, P.C.

Date:

9 Feb. 2007

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